



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

MAR 31 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Randy MacMillan
Operator
Middle Hatchery
P.O. Box 712
Buhl, Idaho 83316

Re: Middle Hatchery – Clear Springs Food, Inc.
NPDES Permit Number IDG130007

Dear Mr. MacMillan:

On behalf of the United States Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the February 24, 2015, Clean Water Act (CWA) inspection of Middle Hatchery ("Facility") by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection, and subsequent EPA administrative file review, was to determine the Facility's compliance with the requirements of the CWA and the National Pollution Discharge Elimination System (NPDES) general permit number IDG130007 ("Permit") for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the IDEQ inspection and EPA administrative file review. There were no violations noted during EPA's review of the administrative files which included a review of Discharge Monitoring Reports (DMRs) submitted by the Facility from February 2011 through March 2016.

FEBRUARY 2015 INSPECTION

1. Part II.F.2 of the Permit specifies that, throughout all sample collection and analysis activities, the permittee must use the EPA-approved quality assurance and quality control (QA/QC) and chain-of-custody procedures described in Requirements for Quality Assurance Project Plans (EPA/QA/R-5)1 and Guidance for Quality Assurance Project Plans (EPA/QA/G-5)2. The Quality Assurance Plan (QAP) must be prepared in the format that is specified in these documents.

At the time of the inspection, the inspector noted that the QAP did not meet the minimum required format for Instrument/Equipment testing, inspection, and maintenance; Instrument/Equipment Calibration and Frequency; Inspection/Acceptance for Supplies and Consumables; Non-direct Measurements; and Data management. These are violations of Part II.F.2 of the Permit.

2. Part II.F.3.a of the Permits specifies that the QAP must include details on the number of samples; type of sample containers; preservation of samples including temperature requirements, holding times, analytical methods, analytical detection and quantification limits for each parameter; type and number of quality assurance field samples; precision and accuracy requirements; sample preparation requirements; sample shipping methods; and laboratory data delivery requirements. See Parts V.A-F for additional requirements.

At the time of the inspection, the inspector noted that the QAP lacked sufficient details for sample shipping methods, and laboratory data delivery requirements. These are violations of Part II.F.2.a of the Permit.

3. Part II.F.3.b of the Permit specifies that the QAP must include a description of flow measuring devices or methods used to measure influent and/or effluent flow at each point, calibration procedures, and calculations used to convert to flow units.

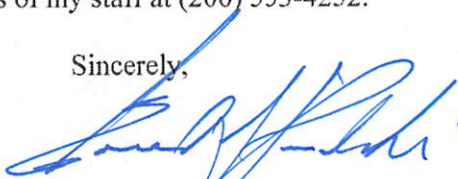
At the time of the inspection, the inspector noted that there were insufficient details on flow measuring devices for influent and effluents at each point, calibration procedures, and calculations. These are violations of Part II.F.3.b of the Permit.

On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure A).

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure B). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

Enclosures

cc: Mr. Stephen Berry
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